Remarks

Claims 1-18 are pending in the present application. To incorporate suggestions discussed in the examiner interview on May 10, 2006, claims 1 and 10 have been amended. Support for the claim amendments are provided in the specification, for example, pages 6 and 7. No new matter has been entered.

Claim 1 is rejected under the argument that the claim is anticipated by Holland (U.S. 5,020,103) under 35 U.S.C. § 102(b). Claim 10 is rejected under the argument that these claims are anticipated by Bartley (U.S. 3,752,927) under 35 U.S.C. § 102(b). Claims 1-6, 10-15, and 17-18 are rejected under the argument that these claims are anticipated by Scolari (U.S. 4,489,306) under 35 U.S.C. § 102(b). Claim 7, which depends from claim 1, and claim 16, which depends from claim 10, are rejected under the argument that these claims are unpatentable under 35 U.S.C. § 103(a) in light of the combination of Scolari and Bartley.

Claims 1 and 10 both recite a modular communication assembly comprising a plurality of modular components, wherein at least two of the modular components are configured to perform different functions. None of the cited references teach all elements of the above claims.

For instance, Holland's mounting pedestal for public and coin telephones fails to teach at least two modular components configured to perform a different function. Referring to the present specification, the communication support assembly of the present application comprises various modular components capable of achieving various functions (see Figs. 1-4). For example, and not by way of limitation, the communication support assembly may support modular components of various functions e.g. a telephone device, a two-way radio assembly, a one-way audio device, or various other communication devices, which provided one-way or two-way audio or video communication. Alternative modular components may

also include, but are not limited to, a communication device mounting member 22A, an extension sleeve 22B, a light assembly 22C, a strobe assembly 22D, power assemblies for providing electrical power to the communication assembly (e.g., a solar power module or a battery module), a telephone book housing assembly, an antenna, and a storage compartment assembly. *See generally* page 6, lines 17-24 to page 7, lines 1-3.

The examiner asserts that Holland teaches a plurality of modular components via its disclosure of phone backboards 15 and 15'; however, Holland's telephone backboards 15 and 15' constitute identical components that perform identical functions i.e. serving as a support for a telephone. Holland fails to teach an assembly having at least two modular components with different functions; therefore, Holland does not teach or suggest this claimed element.

Moreover, these backboards are not interchangeably secured to one another in a vertical arrangement as claimed in claim 1. Backboards 15 and 15' are each secured to a steel post 12, which separates the backboards 15 and 15' from one another. The backboards 15 and 15' do not even contact one another; therefore, the backboards cannot be interchangeably secured to one another as recited in claim 1. As a result, Holland fails to teach components interchangeably secured to one another, let alone a plurality of modular components interchangeably secured to one another in a vertical arrangement via stacking as required in claim 1.

Bartley's public telephone mounting also fails to teach all elements of the claims. Bartley simply teaches a phone mounting device and a phone thereon, and provides no teaching of a modular communication assembly comprising at least two modular components configured to perform different functions as recited in the claims. The examiner asserted that the pair of side walls and the two blocking plates constituted modular components; however, these components are not modular components configured to perform at least two functions

as recited in the claims. In Bartley, these asserted components all perform the same function i.e. acting as walls for the steel post. Thus, Bartley fails to teach an assembly wherein at least two modular components perform a different function as recited in claims 1 and 10.

Additionally, the Bartley telephone housing 80 is a not a tubular communication device mounting member that supports the phone 20, as the examiner asserts. It is merely a housing to provide privacy or protect the phone against weather damage. (col 4, lines 33-42). The phone 20 is mounted to the steel post 10, not the housing 80. The steel post 10 is a rectangular tubular steel post 10 having a front wall 12, a back wall 14 and side walls 13. Reading Bartley, the steel post 10 is a permanent structure, and walls 12, 14, and 13 are permanent also. There is no teaching or suggestion in Bartley that these walls may be moved or rearranged, or the desirability of doing so. Consequently, the walls 12 and 14, and side walls 13 cannot be construed as interchangeable, because they are permanent structures, which cannot even be moved or separated from the post.

Moreover, the Bartley blocking plates 110 and 120 are not interchangeable, as the examiner asserts. Referring to Fig. 3 of Bartley, the lower blocking plate 120 is welded to the steel post 10. (col. 3, lines 11-12). The upper blocking plate 110 is also welded to post 10 and comprises tapped holes 112 for coupling to the holes 52 in the cap 50. (col. 2 lines 50-55). Similar to side wall 13, front wall 12, and back wall 14, these blocking plates cannot be moved due to being welded, thus they cannot be construed as interchangeable. The plates 110 and 120 are permanently welded, and Bartley fails to teach that the plates 110 and 120 may be rearranged or the desirability of doing so. Moreover, Bartley teaches away from rearranging the blocking plates 110 and 120. Upper blocking plate 110 comprises tapped openings configured for coupling with the cap 50. If the lower blocking plate 120 switches places with upper blocking plate 110, the cap 50 could not effectively couple to the upper

blocking plate 110, because the upper blocking plate 110 does not comprise the tapped openings 112 for coupling. Consequently, rearranging the blocking plates 110 and 120 would prevent the public telephone mounting of Bartley from being properly assembled.

Moreover, Bartley does not teach a plurality of modular components interchangeably secured to the mounting member in a stacked vertical end to end arrangement as claimed. As stated above, Bartley teaches the side mounting of a phone 20 onto a post 10, not a stacked vertical end-to-end arrangement as claimed. Accordingly, Bartley does not anticipate claim 10 and all claims dependent thereon.

As the examiner conceded in the interview, Scolari's emergency signal device fails to teach the elements of independent claims 1 and 10. Scolari fails to teach a plurality of modular components interchangeably secured to one another as recited in claim 1, or interchangeably secured to a tubular mounting device as recited in claim 10. Furthermore, Scolari also fails to teach a modular communication assembly comprising at least two components configured to perform different functions as recited in the claims. Scolari teaches a self-contained emergency signal unit 10 having cubic boxes of decreasing size nested into one another. *See* Fig. 8. When not in use, the boxes fold into one another and are stored within the unit 10. The nested boxes each comprise a strobe light element, and a letter, so that the combination of boxes can spell out and illuminate the word "HELP". Consequently, Scolari requires a precise configuration of boxes. Furthermore, the nested boxes comprise decreasing sizes, which enable the boxes to fold into one another and be stored in a container 10. Rearranging the box configuration would prevent the boxes from folding into one another, which is essential for the boxes to be stored in the container 10 (See Fig. 2). Consequently, the nested boxes cannot be construed as interchangeable as claimed.

Moreover, rearranging the boxes around would destroy the function of Scolari. Each box contains a letter that functions to spell out the word "HELP"; as a result, altering the precise configuration of these boxes would preclude this function. Thus, Scolari does not teach interchangeably secured modular components, as claimed, because rearranging the boxes would render Scolari inoperable for its intended purpose. Accordingly, Scolari does not anticipate the claim elements of independent claims 1 and 10.

Furthermore, Scolari does not teach a plurality of modular components stackingly assembled in a plurality of vertical arrangements as recited in independent claim 1. Scolari teaches one stacked vertical arrangement as shown in Fig. 1 not a plurality as the examiner asserts. The examiner asserts that Fig. 2 illustrates another stacked vertical arrangement; however, these boxes are not stacked, but are compressed via nesting into one another and are then stored in a container. One of ordinary skill in the art would not view the stored configuration of Fig. 2 as teaching a stacked vertical arrangement. Accordingly, none of the cited references teach all elements of independent claims 1 and 10 and all claims dependent thereon, thus the rejections under §102 are respectfully traversed and reconsideration is respectfully requested.

Rejection under § 103(a)

Claim 7, which depends from claim 1, and claim 16, which depends from claim 10, are rejected under the argument that these claims are unpatentable under 35 U.S.C. § 103(a) in light of the combination of Scolari and Bartley. This rejection is respectfully traversed. As stated above, Scolari and Bartley both fail to teach, inter alia, a plurality of modular components interchangeably secured to one another or to a tubular communication device mounting member, wherein at least two of the modular components are configured to performs different functions as recited in claims 1 and 10, respectively. Accordingly, all of

the cited references, singularly or in combination, fail to teach or suggest all elements of the claimed invention, thus a prima facie case of obviousness has not been established.

The Applicants respectfully submit that the application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

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